REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1, 7 and 14 are currently amended.

Applicant also spoke with the Examiner on June 22, 2006, however, a follow-up interview did not occur. In the instance that the current amendments do not place the claims in condition for allowance, Applicant respectfully requests a substantive interview prior to issuance of a subsequent Office Action.

Applicant previously amended the claims based on the BPAI's decision of January 31, 2006. In particular, the BPAI held that "rendering", as recited in the claims, encompassed more than just rendering of digital data. To address this broad interpretation, Applicant amended the claims to thereby narrow the "rendering" to rendering of digital data. Further, the recited "data network" is now explicitly a "digital data network" where requests and digital media data are via the digital data network.

Applicant now currently amends the claims to explicitly recite "pulling" and to "pull" digital data. With respect to a client pull model, the BPAI decision of October 27, 2005 (at page 4) did not give weight to Appellant's argument because "client pull" was not found in the claims. Applicant submits that this amendment explicitly clarifies the claimed subject matter.

As explained below, Applicant submits that the claims as currently amended are patentable over U.S. Patent No. 5,206,929 to Langford et al. (Langford reference) in view of U.S. Patent No. 5,790,794 to DuLac et al. (DuLac reference).

Rejection of Claims 1-19

The Office rejected claims 1-19 as being unpatentable over USPN 5206929 to Langford et al. (Langford reference) in view of USPN 5790794 to DuLac et al. (DuLac reference).

Per MPEP §2143, to establish a prima facie case of obviousness, three basic criteria must be met: (i) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (ii) there must be a reasonable expectation of success; and (iii) the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicant asserts that the evidence of record is insufficient to establish a prima facie case of obviousness. As the record indicates, the Langford reference pertains to an offline edit controller 30 that relies on a bank of laser video disk players 50 (see Fig. 1). The DuLac reference pertains to video storage units 112 (see Fig. 4) to alleviate bus congestion (col. 2, lines 21-37) in distribution of video to user systems 54. Applicant submits that modification of

the Langford reference's system (disk players 50 and controller 30) using the DuLac reference's system (video storage units 112 and user systems 54) would not result in the claimed subject matter. In particular, evidence is lacking to suggest the desirability of the claimed subject matter, especially given the specific defined roles of the Langford reference's disk players 50 and offline edit controller 30.

Claim 1 recites, in part:

transmitting said first plurality of frame accurate requests over said digital data network to said first digital data source to pull digital data from said first digital data source; transmitting said second plurality of frame accurate requests over said digital data network to said second digital data source to pull digital data from said second digital data source;

The Office cites col. 5, lines 4-24 for the proposition that the Langford reference discloses requests for frame-accurate video data and receipt of frame-accurate video data. As to so-called requests, according to the Langford reference, during offline editing the editor 30 can identify a group of frames from a first disk and a group of frames from a second disk (col. 4, lines 47-57). As to so-called "receipt", the laser video disk units 50 can output video signals to one or more video monitors (col. 5, lines 4-24). However, evidence linking the so-called "requests" and "receipt" needs clarification.

The only device capable of linking the identified groups of frames and video output signal of the laser video disks 50 is the offline editor 30. To clarify, Applicant directs the Office to the Langford reference at col. 3, lines 20-46

where the Langford reference refers to a computer programmed with software that enables a user to log unedited takes, edit list modification and playback an edited show.

The Langford reference defines an edited show at col. 4, lines 31-46 where five takes are transferred to a laser video disk (or disks) and an edit list generated to characterize a "first-cut" that consists of "concatenated portions of each of the five takes" and that defines an edited show. The edit list is in the form of a computer file (col. 4, line 68 to col. 5, line 3).

Thus, the Langford reference discloses an offline editor 30 that generates an edit list, as a computer file, where the edit list is used to cause the laser video disk units 50 to output a video signal to one or more monitors, for example, to "playback an edited show".

In essence, the offline editor 30 simply instructs a plurality of laser video disk units 50 to play according to an edit list. There is no role for the offline editor 30 other than creation of the edit list and causing the units 50 to output an appropriate video signal; they do not send digital data. The editor 30 does not perform rendering of digital data pulled from the plurality of laser video disk units 50.

In contrast, the subject matter of claim 1 recites:

> *before a last frame of said first respective frames is rendered from digital data, receiving a first frame of said second respective frames as digital data from said second source via said digital data network;*

In conjunction with the above cited portion of claim 1, the subject matter of claim 1 pertains to transmission of requests to pull digital data, receipt of digital data and rendering of the received digital data. The offline editor 30 does not perform such tasks and there is insufficient evidence in the Langford reference to suggest modification of the offline editor 30 to perform such tasks. The offline editor 30 is not a client that operates in a client pull manner. The editor 30 simply instructs a bank of laser video disk units 50.

The Office states that Langford does not disclose "that the media data (including the first and second clips) is digital and is stored over a digital data network or that the first frame of the second set of frames is received prior to rendering of the last frame of the first set of frames". Applicant agrees. However, Applicant fails to find evidence in the DuLac reference that would, in combination with the Langford reference, obviate the subject matter of claim 1.

More specifically, the DuLac reference provides insufficient evidence to suggest that a "user system 54" ("an interface/controller box connected to the network and a viewing device such as a monitor or a television . . . may be work stations") could in operate according to the claimed subject matter. Indeed, the DuLac reference is largely silent as to the capabilities of a user system, probably because the DuLac reference addresses problems of servers.

The DuLac reference identifies a problem (col. 2, lines 21-37):

> As the number of consumers requesting videos on the communications network increase, the amount of video storage needed increases, as does the amount of traffic on system bus 12, resulting from the

> movement of video data to system bus 12 and then to the communications network. In effect, a mismatch can occur in the connection of computer hardware and software to the communications network. System bus 12 in video server becomes a bottle neck for the transfer of video data from disk arrays 18 to the communications network. In addition to increased amounts of video data being transferred, the amount of traffic increases on system bus 12 because of commands received from various consumers.

The DuLac reference provides a solution to this problem (col. 4, lines 47-59), which does not require any special user system (i.e., could be "an interface/controller box connected to the network and a viewing device such as a monitor or a television"):

> According to the present invention, video storage units 112 provide a solution to the problem of video/multimedia storage and I/O associated with transferring tremendous amounts of data from storage onto a communications network. Additionally, video storage units 112 improve access time to video along with continuous isochronous delivery of video while providing interactive control to users connected to communications network 56. Video storage unit 112 provides video to consumers at user systems 54 in distributed data processing system 50 by directly transferring data from video storage unit 112 to communications network 56, avoiding the bottle necks and slow downs associated with transferring data on system bus 102 in video server 100.

While the BPAI decision of October 27, 2005 (pages 9-11) found relevance in the DuLac reference's data network to connect a server and a

client, Applicant submits that the problem and solution of the DuLac reference have little relevance as to a client capable of pulling digital data from two sources to playback in a seamless manner, as claimed.

Further, with respect to editing, the DuLac reference states in its Background section (col. 1, lines 22-31, emphasis added):

> With the advance of new compression technologies, the storing of video, audio, and user data into disk storage devices has become feasible. In addition, improvements in data transmission technologies provide sufficient bandwidth for multimedia traffic. As a result, applications such as video-on-demand (VOD), video editing, interactive games, home shopping, and other multimedia applications have been developed. Video-on-demand services may include, for example, movies, sporting events, textural information, educational programs, and arts programs.

This is the only occurrence of the word "editing" in the DuLac reference and the root "edit" does not occur but for this occurrence of "editing". Consequently, there is no evidence to explain how the user systems 54 would perform editing. For this reason alone, Applicant submits that the evidence is insufficient to suggest using the DuLac reference's user system 54 for editing or the claimed seamless playback of video from two sources.

While the Office cites the DuLac reference at col. 9, lines 42-46 for the proposition that continuous transmission of data at a proper rate assures that video display is uninterrupted, there is no evidence to suggest that digital data would come from one video storage unit 112 and that other digital data would come from another video storage unit 112 and be capable of uninterrupted

display. Importantly, the cited portion of the DuLac reference (col. 9, lines 42-46) refers to a single video storage unit 112. Even if more of these storage units were used (as suggested in the Office Action at page 4), what device or system would control the video storage units 112 to provide seamless playback (as recited in claim 1)? The Langford reference does not suggest that the offline edit controller 30 could perform such tasks and the DuLac reference does not suggest that a user system 54 could perform such tasks.

As the Langford reference provides no evidence to indicate that the offline edit controller 30 can render digital media data and the DuLac reference provides no evidence to indicate that a user system 54 can playback, seamlessly, digital data from two sources, Applicant asserts that the evidence of record is insufficient to support a prima facie case of obviousness.

Applicant further asserts that the evidence fails to suggest the desirability of the claimed subject matter (see MPEP §2143.01 "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination"). Specifically, Applicant finds no evidence to suggest the desirability of scrapping the Langford reference's laser video disk players 50 and their offline edit controller 30 (i.e., the entire Langford system).

Applicant has amended the independent claims to recite pulling and playing and to pull digital data. Applicant submits that such language helps to clarify the subject matter as operating according to a client pull model. As the

Langford reference is not a client pull model (i.e., digital data not pulled to the editor 30) and the DuLac reference is not directed to techniques for seamless playback from more than one video storage unit 112, Applicant fails to find sufficient evidence of record to support an obviousness rejection of the pending claims.

Independent claims 7 and 14 recite similar subject matter. Dependent claims 2-6 depend on claim 1, dependent claims 8-13 depend on claim 7 and dependent claims 15-19 depend on claim 14. Applicant submits that claims 1-19 are patentable over the Langford reference and the DuLac reference for at least the reasons stated above.

Claims 5, 12 and 18

Claims 5, 12 and 18 recite "*wherein said predetermined framerate is adjustable by a user*". Applicant submits that the Langford reference and the DuLac reference fail to disclose, teach or suggest such an adjustable framerate for seamless playback of digital media data from two sources.

While the DuLac reference states at col. 10, lines 29-32 "a play command would stream data at some selected rate while a fast forward command would cause streaming of data by skipping frames of the video", Applicant submits that this evidence is insufficient to support an obviousness rejection of claims 5, 12 and 18. Again, the claims are directed to pulling digital data from two sources and rendering such digital data to provide for seamless

playback. The Langford reference simply presents an offline edit controller 30 for controlling a bank of laser video disk players 50 that output video signals and the DuLac reference simply presents a unit to relieve server congestion for distribution to user systems 54. Thus, Applicant submits that dependent claims 5, 12, and 18 are patentable over the Langford reference and the DuLac reference for these additional reasons.

Conclusion

Pending claims 1-19 are believed to be in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,
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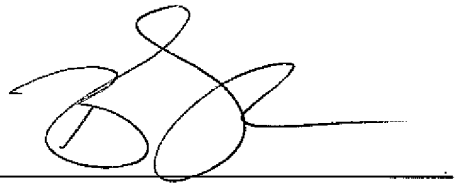

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